

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

LIFE IS GOOD, INC.,

Plaintiff,

v.

LG ELECTRONICS U.S.A., INC. and  
LG ELECTRONICS MOBILECOMM U.S.A.,  
INC. (formerly LG INFOCOMM U.S.A., INC.),

Defendants.

CIVIL ACTION NO. 04-11290 WGY

Hon. William G. Young

**DECLARATION OF DANA NICOLETTI**

I, Dana Nicoletti, declare that the following is true and correct under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am employed as a law clerk at the firm of Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, 901 New York Avenue, NW, Washington, D.C. 20001, counsel for Defendants LG Electronics U.S.A., Inc. and LG Electronics MobileComm U.S.A., Inc. in this case. This declaration is based on my personal knowledge.

2. On June 5, 2006, I telephoned the Atlantic Fish Company in Boston, Massachusetts to confirm its location at 761 Boylston Street and to verify that Guy Neil is the manager. I also telephoned Life is Good, Inc. in Boston, Massachusetts to confirm its location at 285 Newbury Street. I then used the Google website ([www.maps.google.com](http://www.maps.google.com)) to view a map of those two locations, which indicated that the two locations are located within two blocks of each other.

3. I conducted online searches for third-party products containing the phrase "Life is good" on April 21, 2006.

4. Photographs of the products that I located and purchased are attached to this

Declaration as Exhibits 1-24. Information regarding those products is as follows:

<b>Ex.</b>	<b>Product Description</b>	<b>Uniform Resource Locator (URL) Address on the Internet</b>	<b>Purchase Date</b>	<b>Receipt Date</b>
<b>1</b>	Christian Shirts T-Shirt, "Life is good when Jesus is life"	<a href="http://www.christianshirts.net/products.php?product=1153">http://www.christianshirts.net/products.php?product=1153</a>	04/21/06	05/01/06
<b>2</b>	Miller Lite T-Shirt, "Maryland, Life is Good"	<a href="http://cgi.ebay.com/ws/eBayISAPI.dll?ViewItem&amp;item=6236902094&amp;category=50736">http://cgi.ebay.com/ws/eBayISAPI.dll?ViewItem&amp;item=6236902094&amp;category=50736</a>	04/21/06	04/27/06
<b>3</b>	Italian Charm, Body Candy Italian Charms, "Life is Good"	<a href="http://www.shop.com/op/aprod-p22385876-k24-g4-~%22life+is+good%22-nover?sourceid=3">http://www.shop.com/op/aprod-p22385876-k24-g4-~%22life+is+good%22-nover?sourceid=3</a>	04/21/06	05/01/06
<b>4</b>	Italian Charm, Pugster, "Life is Good"	<a href="http://www.pugster.com/p/T100_X2_V2024Z_PG?cid=OTC-FRO">http://www.pugster.com/p/T100_X2_V2024Z_PG?cid=OTC-FRO</a>	04/21/06	04/25/06
<b>5</b>	Italian Charm, Pugster, "Life is Good!"	<a href="http://www.pugster.com/p/V1062?cid=OTC-GOB">http://www.pugster.com/p/V1062?cid=OTC-GOB</a>	04/21/06	04/25/06
<b>6</b>	CD, Jody Brown Indian Family, "Life Is Good"	<a href="http://www.bestprices.com/cgi-bin/vlink/645259043325BT?source=GBase">http://www.bestprices.com/cgi-bin/vlink/645259043325BT?source=GBase</a>	04/21/06	04/25/06
<b>7</b>	T-Shirt, "Life is Good When You've Got A Nana Like Mine!"	<a href="http://cgi.ebay.com/ws/eBayISAPI.dll?ViewItem&amp;item=6848547220&amp;category=11475">http://cgi.ebay.com/ws/eBayISAPI.dll?ViewItem&amp;item=6848547220&amp;category=11475</a>	04/21/06	04/27/06
<b>8</b>	Sweatshirt, "Life is Good... Hockey is Better"	<a href="http://cgi.ebay.com/ws/eBayISAPI.dll?ViewItem&amp;item=7211375572&amp;category=20855">http://cgi.ebay.com/ws/eBayISAPI.dll?ViewItem&amp;item=7211375572&amp;category=20855</a>	04/21/06	05/08/06
<b>9</b>	Charms, Sue Dreamer Charming Additions, "Life is Good"	<a href="http://cgi.ebay.com/ws/eBayISAPI.dll?ViewItem&amp;item=8220171105&amp;category=75573">http://cgi.ebay.com/ws/eBayISAPI.dll?ViewItem&amp;item=8220171105&amp;category=75573</a>	04/21/06	04/26/06
<b>10</b>	Book, George Dawson and Richard Glaubman, "Life Is So Good"	<a href="http://www.literacyconnections.com/0_0141001682.html">http://www.literacyconnections.com/0_0141001682.html</a>	04/21/06	04/25/06

<b>Ex.</b>	<b>Product Description</b>	<b>Uniform Resource Locator (URL) Address on the Internet</b>	<b>Purchase Date</b>	<b>Receipt Date</b>
<b>11</b>	CD, John Watts, "Real Life Is Good Enough"	<a href="http://www.cduniverse.com/search/xx/music/pid/6990765/a/Real+Life+Is+Good+Enough.htm">http://www.cduniverse.com/search/xx/music/pid/6990765/a/Real+Life+Is+Good+Enough.htm</a>	04/21/06	05/01/06
<b>12</b>	Book, Don Christian Aldrich, "Life is Good..."	<a href="http://www.forbesbookclub.com/bookpage.asp?prod_cd=I6C4A">http://www.forbesbookclub.com/bookpage.asp?prod_cd=I6C4A</a>	04/21/06	05/01/06
<b>13</b>	Baseball Style Cap, Hershey, "Life is Good Between Reese's Cups"	<a href="http://www.hersheygifts.com/prdSell.aspx?SubDeptName=Apparel(Hershey)&amp;Name=HatReeseBrownPiping_5480285(Hershey)">http://www.hersheygifts.com/prdSell.aspx?SubDeptName=Apparel(Hershey)&amp;Name=HatReeseBrownPiping_5480285(Hershey)</a>	04/21/06	04/25/06
<b>14</b>	Book, Carroll McKanna Shreeve, "Life is Good"	<a href="http://www.memorymakersmagazine.com/store/ProductInfo.aspx?productid=10759">http://www.memorymakersmagazine.com/store/ProductInfo.aspx?productid=10759</a>	04/21/06	04/27/06
<b>15</b>	Poster, "Life Is Good"	<a href="http://www.cafepress.com/wealthreason.36271038">http://www.cafepress.com/wealthreason.36271038</a>	04/21/06	04/26/06
<b>16</b>	CD, Livingston Taylor, "Life Is Good"	<a href="http://www.livtaylor.com/discography.html">http://www.livtaylor.com/discography.html</a>	04/21/06	04/25/06
<b>17</b>	Pub Sign, "Life Is Good In the Navy"	<a href="http://www.pubsignshop.com/page/P/PROD/VMA-G-1028">http://www.pubsignshop.com/page/P/PROD/VMA-G-1028</a>	04/21/06	04/27/06
<b>18</b>	Pub Sign, "Life Is Good In the Army"	<a href="http://www.pubsignshop.com/page/P/PROD/military/VMA-G-1027">http://www.pubsignshop.com/page/P/PROD/military/VMA-G-1027</a>	04/21/06	04/27/06
<b>19</b>	Pub Sign, "Life Is Good In the Air Force"	<a href="http://www.pubsignshop.com/page/P/PROD/military/VMA-G-1062">http://www.pubsignshop.com/page/P/PROD/military/VMA-G-1062</a>	04/21/06	04/27/06
<b>20</b>	Pub Sign, "Life Is Good In the Coast Guard"	<a href="http://www.pubsignshop.com/page/P/PROD/military/VMA-G-1063">http://www.pubsignshop.com/page/P/PROD/military/VMA-G-1063</a>	04/21/06	04/27/06
<b>21</b>	Pub Sign, "Life Is Good In the Marines"	<a href="http://www.pubsignshop.com/page/P/PROD/military/VMA-G-1026">http://www.pubsignshop.com/page/P/PROD/military/VMA-G-1026</a>	04/21/06	04/27/06

Ex.	Product Description	Uniform Resource Locator (URL) Address on the Internet	Purchase Date	Receipt Date
22	CD, Jimmy Landry, "Life Is Good"	<a href="http://www.kerrville-music.com/products/products/jimmy_landry.htm#">http://www.kerrville-music.com/products/products/jimmy_landry.htm#</a>	04/21/06	04/27/06
23	Book, Sacha Eckes, "Life is Good"	<a href="http://www.lastgasp.com/d/27910/">http://www.lastgasp.com/d/27910/</a>	04/21/06	05/01/06

Executed this 6th day of June, 2006.



Dana Nicoletti

**CERTIFICATE OF SERVICE**

I hereby certify that this document and exhibits filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on June 6 , 2006.

Executed this 6th day of June, 2006.

/s/ Timothy A. Lemper

Timothy A. Lemper